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EXAMINER

GRAHAM, CLEMENT B

ART UNIT

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3692

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/397,309

Applicant(s)

BAUER ET AL.

Examiner

Clement B. Graham

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-12, 14-19, 21-29, 31-54, and 56-108 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-19, 21-29, 31-54 and 56-108 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-12, 14-19, 21-29, 31-54, and 56-108 are remained pending and claims 13, 20, and 55 has been deleted.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action: (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C.

103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or unobviousness.
4. Claims 1-12, 14-19, 21-29, 31-54, and 56-108, are rejected under 35 U.S.C. 103(a) as being unpatentable over McMullin US Patent No.6, 222, 914) in view Perkowski US Pub: No. 20020194081).

As per claim 1, McMullin discloses providing a debit card ("i.e. debit card see column 2 line 15-40") to the user, wherein the debit card is associated with a financial account ("i. e, card holder account" see column 1 lines 16-38) such that the user may use the debit card to make purchases (See column 2 lines 15-40), and an amount corresponding, at least in part, to the cost of the purchase made using the debit card is debited to the financial account defining periods of time("i. e, billing cycle") (See column 3 lines 55-65 and column 4 lines 1-5 and line 25-30) providing a report ("i.e. bill" see column 3 lines 55-65) to the user. (see column 3 lines 55-65) at the end of each defined period identifying. ("i. e, monthly") at least in part, the purchases made with the debit card during the defined period. (see column 3 lines 55-65 and column 4 lines 5-30) designating a retailer as a preferred retailer. ("i. e, "sponsor" see column 2 lines 35-40") calculating a reward amount using a data processor for the user based at least in part,

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on purchases made using the debit card during a current period (See column 7 lines line 35 and column 4 lines 25-30 and column 2 lines 45-59) and crediting the reward amount generated during the current period to a user account. (See column 4 lines 25-30) and activating ("i. e, end of delay period") the user reward amount at the end of the current period. (See column 4 line 32-45) and debiting the amount of the cost of a purchase in a subsequent period from the financial account. (see column 3 line 65) and crediting ("i. e, payment") the financial account an amount up to the amount of the purchase("i. e, charge amounts") in the subsequent period from the activated user reward account for purchases made at the preferred retailer and reward account.(see column 1 lines 30-38 and column 2 lines 14-60).

McMullin fail to explicitly teach designating a theme comprising a plurality of items offered by a plurality of providers wherein each item comprises at least one of a good and service and each provider comprises one of a merchant and service provider.

However Perkowski discloses in a particular, service-related information could be easily found (i.e. located and accessed) on Web sites using the system and method of the present invention, and thereafter the service easily procured through an electronic data transaction. In accordance with the present invention, this can be achieved by uniquely identifying and assigning particular services by a Universal Service Code (USC), which has many if not all of the attributes of a conventional UPC, as well as others pertaining to services. While not necessary, a single digit may be optionally added to the USC in order to demark that services rather than products, are being identified. An example of such USC labeling would be printing an assigned UPC label (number) on: admission tickets to a theatrical, dramatic or musical performance and/or its playbill; admission tickets to a movie; admission tickets to a concert and/or its concert program; admission tickets to a sporting event and/or its sports program; admission tickets to an art, science or history museum; admission tickets to the zoo or botanical gardens; and the like. The UPC label would be encoded to identify a particular event at which an entertainment, educational or professional service is provided. The UPC label printed on the tangible medium associated with the promotion of or access to the particular service would then be registered with the system hereof, along with the

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name of the provider of service and a list of URLs that identify the Web locations at which particular kinds of information related to the particular service can be found. (See column 126 paragraph 1271-1272 and claim 1).

Therefore it would have obvious to one of ordinary skill in the art at the time the invention was made that the teachings of McMullin to include designating a theme comprising a plurality of items offered by a plurality of providers wherein each item comprises at least one of a good and service and each provider comprises one of a merchant and service provider taught by Perkowski in order to bill a user for transactions for services and or goods provided and or ordered over the internet.

As per claim 2, McMullin discloses wherein the debit card is issued by the financial institution and wherein the financial account is held by the financial institution. (see column 1 lines 50-65 and column 2 lines 35-65 and column 4 lines 5-45).

As per claim 3, McMullin discloses wherein the debit card is issued by a first financial institution and wherein the financial account is held by a second financial institution. (see column 1 lines 50-65 and column 2 lines 35-65 and column 4 lines 5-45).

As per claim 4, McMullin discloses further comprising storing user reward amounts for periods prior to the current period (see column 1 lines 50-65 and column 2 lines 35-65 and column 4 lines 5-45).

As per claim 5, McMullin discloses wherein the billing report at the end of the period includes a statement of the reward amount generated in periods prior to the period and not yet redeemed, the reward amount earned during the period, the reward amount redeemed during the period, and the total reward amount earned but not yet redeemed. (see column 1 lines 50-65 and column 2 lines 35-65 and column 4 lines 5-45).

As per claim 6, McMullin discloses wherein the billing report further includes a statement of the total reward amount generated in all periods.

As per claim 7, McMullin discloses further comprising displaying the logo of the financial institution on the debit card. (see column 1 lines 50-65 and column 2 lines 35-65 and column 4 lines 5-45).

As per claim 8, McMullin discloses further comprising displaying the logo of the preferred retailer on the debit card. (see column 1 lines 50-65 and column 2 lines 35-65 and column 4 lines 5-45).

As per claim 9, McMullin discloses wherein the preferred retailer comprises a plurality of retailers.

As per claim 10, McMullin discloses wherein the preferred retailer is an entity representing a plurality of distinct retailers. (see column 1 lines 50-65 and column 2 lines 35-65 and column 4 lines 5-45).

As per claim 11, McMullin discloses wherein the entity has a theme and the plurality of distinct retailers market goods or services related to theme. (see column 1 lines 50-65 and column 2 lines 35-65 and column 4 lines 5-45).

As per claim 22, McMullin discloses wherein the entity is a charitable institution. (see column 1 lines 50-65 and column 2 lines 35-65 and column 4 lines 5-45).

As per claim 14, McMullin discloses comprising calculating the reward amount, at least, in part, as a percentage of the cost of purchases made at the preferred retailer by the user using the debit card. (see column 1 lines 50-65 and column 2 lines 35-65 and column 4 lines 5-45).

As per claim 15, McMullin discloses further comprising calculating the reward amount, at least in part, as the sum of a first percentage of the cost of purchases made at the preferred retailer by the user using the debit card up to a first level of purchases and as a second percentage of the cost of purchases made at the preferred retailer by the user using the debit card up to a second level of purchases. (see column 1 lines 50-65 and column 2 lines 35-65 and column 4 lines 5-45).

As per claim 16, McMullin discloses further comprising calculating the reward amount, at least in part, as the sum of a first percentage of the cost of all purchases made by the user using the debit card and as a second percentage of the cost of purchases made at the preferred retailer by the user using the debit card. (see column 1 lines 50-65 and column 2 lines 35-65 and column 4 lines 5-45).

As per claim 17, McMullin discloses further comprising calculating the reward amount, at least in part, as the sum of a first percentage of the cost of all purchases

made by the user using the debit card up to a first level of purchases and as a second percentage of the cost of purchases made at the preferred retailer by the user using the debit card up to a second level of purchases. .(see column 1 lines 50-65 and column 2 lines 35-65 and column 4 lines 5-45).

As per claim 18, McMullin discloses further comprising calculating the reward amount, at least in part, based on purchases of the designated goods made at the preferred retailer using the debit card. .(see column 1 lines 50-65 and column 2 lines 35-65 and column 4 lines 5-45).

As per claim 19, McMullin discloses further comprising calculating the reward amount, at least in part, as the sum of a first percentage of the cost of certain designated goods at the preferred retailer and as a second percentage of the cost of other purchases at the preferred retailer. .(see column 1 lines 50-65 and column 2 lines 35-65 and column 4 lines 5-45).

As per claim 21, McMullin discloses wherein the reward account includes an activated component and a dormant component, and the financial account is credited for amounts up to the amount of purchases made by the user at the preferred retailer using the debit card from the activated component of the reward account up to the full amount of the active component.(see column 1 lines 50-65 and column 2 lines 35-65 and column 4 lines 5-45).

As per claim 22, McMullin discloses wherein the financial account is credited from the user reward account after the financial account is debited an amount of the cost of the purchase in the subsequent period.(see column 2 lines 35-55 and column 4 lines 5-45).

As per claims 23, McMullin discloses a system of reward management and tracking for a debit card reward program for a retailer in a-current period, including a user having a financial account with a financial institution and a debit card issued to the user and associated with the financial account such that the financial account is debited for purchases made by the user with the debit card, the system comprising. .(see column 2 lines 35-55 and column 3 lines 55-65 and column 4 lines 5-45).

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a computer memory means for storing data.(i. e, database see column 2 lines 45-55) and a computer processor.(“i. e, inherent with computers”) operably engaged to the computer memory means, the computer processor including:  
current period.(see column 2 lines 35-55 and column 3 lines 55-65 and column 4 lines 5-45) means for storing identity of the user;  
means for storing a reward earned by the user prior to the current period; means for calculating the reward earned by the user during the current period; means for activating the reward earned during the current period at the end of the  
means for crediting the financial account an amount corresponding to a purchase made during the current period at a preferred retailer, up to an amount equal to the reward earned by the user prior to the current period.(see column 3 lines 55-65 and column 4 lines 5-45) and means for reducing the amount of the reward earned by the user prior to the current period by an amount corresponding to the amount that the financial account was credited.(see column 2 lines 35-55 and column 3 lines 55-65 and column 4 lines 5-45).

McMullin fail to explicitly teach designating a theme comprising a plurality of items offered by a plurality of providers wherein each item comprises at least one of a good and service and each provider comprises one of a merchant and service provider.

However Perkowski discloses in a particular, service-related information could be easily found (i.e. located and accessed) on Web sites using the system and method of the present invention, and thereafter the service easily procured through an electronic data transaction. In accordance with the present invention, this can be achieved by uniquely identifying and assigning particular services by a Universal Service Code (USC), which has many if not all of the attributes of a conventional UPC, as well as others pertaining to services. While not necessary, a single digit may be optionally added to the USC in order to demark that services rather than products, are being identified. An example of such USC labeling would be printing an assigned UPC label (number) on: admission tickets to a theatrical, dramatic or musical performance and/or its playbill; admission tickets to a movie; admission tickets to a concert and/or its concert program; admission tickets to a sporting event and/or its sports program;



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admission tickets to an art, science or history museum; admission tickets to the zoo or botanical gardens; and the like. The UPC label would be encoded to identify a particular event at which an entertainment, educational or professional service is provided. The UPC label printed on the tangible medium associated with the promotion of or access to the particular service would then be registered with the system hereof, along with the name of the provider of service and a list of URLs that identify the Web locations at which particular kinds of information related to the particular service can be found. (See column 126 paragraph 1271-1272 and claim 1).

Therefore it would have obvious to one of ordinary skill in the art at the time the invention was made that the teachings of McMullin to include designating a theme comprising a plurality of items offered by a plurality of providers wherein each item comprises at least one of a good and service and each provider comprises one of a merchant and service provider taught by Perkowski in order to bill a user for transactions for services and or goods provided and or ordered over the internet.

As per claims 24, McMullin discloses wherein the debit card is issued by the financial institution and wherein the financial account is administered by the financial institution.(see column 1 lines 45-65 and column 2 lines 35-55).

As per claims 25, McMullin discloses, wherein the debit card is issued by a first financial institution and wherein the financial account is administered by a second financial institution.(see column 2 lines 35-55)

As per claims 26, McMullin discloses further comprising means for storing user reward amounts for periods prior to the current period and a means for generating a billing report at the end of the current period including a statement of the reward amount generated in periods prior to the current period and not yet redeemed, the reward amount earned during the current period, the reward amount redeemed during the current period, and the total reward amount earned but not yet redeemed.(see column 1 lines 45-65 and column 2 lines 35-55).

As per claims 27, McMullin discloses wherein the billing report further includes a statement of the total reward amount generated in all periods.(see column 3 lines 40-65 and column 45-65).

As per claims 28, McMullin discloses wherein the logo of the financial institution is displayed on the debit card.(8 line 5-65).

As per claims 29, , McMullin discloses wherein the logo of the preferred retailer is displayed on the debit card.

As per claims 31, McMullin discloses comprising means for calculating the reward earned by the user, at least in part, as a percentage of the cost of purchases made at the preferred retailer by the user using the debit card.(see column 4 lines 5-45).

As per claims 32, McMullin discloses further comprising means for calculating the reward earned by the user, at least in part, as the sum of a first percentage of the cost of purchases made at the preferred retailer by the user using the debit card up to a first level of purchases and as a second percentage of the cost of purchases made at the preferred retailer by the user using the debit card up to a second level of purchases.(see column 4 lines 5-45 ).

As per claims 33, McMullin discloses further comprising means for calculating the reward earned by the user, at least in part, as the sum of a first percentage of the cost of all purchases made by the user using the debit card and as a second percentage of the cost of purchases made at the preferred retailer by the user using the debit card.(see column 4 lines 5-45and column 3 lines 35-55).

As per claims 32, McMullin discloses further comprising a means for calculating the reward earned by the user, at least in part sum of a first percentage of the cost of all purchases made by the user using the debit card up to a first level of purchases and as a second percentage of the cost of purchases made at the preferred retailer by the user using the debit card up to a second level of purchases.

As per claims 35 , McMullin discloses further comprising means for calculating the reward earned by the user, at least in part, based on purchases of only designated goods made at the preferred retailer using the debit card.(see column 4 lines 5-45).

As per claims 36, McMullin discloses further comprising means for calculating the reward earned by the user, at least in part, as the sum of a first percentage of the cost of certain designated goods at the preferred retailer and as a second percentage of the

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cost of other purchases at the preferred retailer.(see column 2 lines 35-45 and column 4 lines 5-45).

As per claims 37 , McMullin discloses further comprising means for calculating the reward earned by the user, at least in part, as a fixed amount for the purchase of designated goods made at the preferred retailer using the debit card.(see column 4 lines 5-45 and column 2 lines 35-55).

As per claims 38 , McMullin discloses wherein the reward earned by the user includes an activated component and a dormant component, and the financial account is credited for amounts up to the amount of purchases made by the user at the preferred retailer using the debit card from the activated component of the reward earned by the user up to the full amount of the active component.(see column 1 lines 45-65 and column 2 lines 35-55 an column 3 lines 55-65 and column 4 lines 5-45).

As per claims 39 , McMullin discloses wherein the dormant component corresponds to amount earned in a current period, and wherein the dormant component is automatically activated at the end of the current period. (see column 1 lines 45-65 and column 2 lines 35-55 an column 3 lines 55-65 and column 4 lines 5-45).

As per claims 40-54, 56- 62, McMullin discloses providing a debit card to the user, wherein the debit card is associated with a financial account such that the user may use the debit card to make purchases and an amount corresponding, at least in part, to the cost of the purchase made using the debit card is debited to the financial account defining periods of time providing a report to the user at the end of each defined period identifying, at least in part, the purchases made with the debit card during the defined period designating a retailer as a preferred retailer interpretive as credit card users belonging to a selected issuer using a selected retailer and calculating a reward amount using a data processor for the user based at least in part, on purchases made using the debit card during a current period and, crediting the reward amount generated during the period to a user reward account, activating the user reward amount at the end of the period electing whether to provide the user reward amount to the sponsor or to the financial account, delivering the activated user reward amount to the sponsor when provision of the reward amount to the sponsor has been

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elected and debiting the amount of the cost of a purchase in a subsequent period from the financial account and crediting the financial account an amount up to the amount of the purchase in the subsequent period from the activated user reward account for purchases made at the preferred retailer when provision of the reward amount to the financial account has been elected. (see column 1 lines 45-65 and column 2 lines 35-55 and column 3 lines 35-65 and column 4 lines 5-45).

McMullin fail to explicitly teach means for designating a theme comprising a plurality of items offered by a plurality of providers wherein each item comprises at least one of a good and service and each provider comprises one of a merchant and service provider.

However Perkowski discloses in a particular, service-related information could be easily found (i.e. located and accessed) on Web sites using the system and method of the present invention, and thereafter the service easily procured through an electronic data transaction. In accordance with the present invention, this can be achieved by uniquely identifying and assigning particular services by a Universal Service Code (USC), which has many if not all of the attributes of a conventional UPC, as well as others pertaining to services. While not necessary, a single digit may be optionally added to the USC in order to demark that services rather than products, are being identified. An example of such USC labeling would be printing an assigned UPC label (number) on: admission tickets to a theatrical, dramatic or musical performance and/or its playbill; admission tickets to a movie; admission tickets to a concert and/or its concert program; admission tickets to a sporting event and/or its sports program; admission tickets to an art, science or history museum; admission tickets to the zoo or botanical gardens; and the like. The UPC label would be encoded to identify a particular event at which an entertainment, educational or professional service is provided. The UPC label printed on the tangible medium associated with the promotion of or access to the particular service would then be registered with the system hereof, along with the name of the provider of service and a list of URLs that identify the Web locations at which particular kinds of information related to the particular service can be found. (See column 126 paragraph 1271-1272 and claim 1).

Therefore it would have obvious to one of ordinary skill in the art at the time the invention was made that the teachings of McMullin to include designating a theme comprising a plurality of items offered by a plurality of providers wherein each item comprises at least one of a good and service and each provider comprises one of a merchant and service provider taught by Perkowski in order to bill a user for transactions for services and or goods provided and or ordered over the internet.

As per claims 63-86, McMullin discloses a method of operating a debit card reward program by a financial institution for a user comprising: providing a debit card ("i.e. debit card see column 2 line 35-40") to the user, wherein the debit card is associated with a financial account ("i. e, card holder account" see column 1 lines 16-38) such that the user may use the debit card to make purchases (See column 2 lines 15-40) at a point of sale to purchase goods, and an amount corresponding, at least in part, to the cost of the purchase made using the debit card is debited to the financial account.(See column 8 lines 30-45 and column 1 lines 20-40) defining selected parameters ("i. e, monthly") of information regarding each purchase made by the user predetermining levels of the selected parameters, capturing information regarding each purchase made by the user including(see column 3 lines 55-65 and column 4 lines 5-30"), at least in part, information concerning the selected parameters comparing the captured information to predetermined levels (see column 1 lines 25-38) calculating a reward using a data processor based, at least in part, on the comparison of the captured information to the predetermined levels and delivering the reward . (See column 2 lines 45-59).

McMullin fail to explicitly teach wherein the selected parameters of are related to a theme comprising a plurality of items offered by a plurality of providers wherein each item comprises at least one of a good and service and each provider comprises one of a merchant and service provider.

However Perkowski discloses in a particular, service-related information could be easily found (i.e. located and accessed) on Web sites using the system and method of the present invention, and thereafter the service easily procured through an electronic data transaction. In accordance with the present invention, this can be achieved by

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uniquely identifying and assigning particular services by a Universal Service Code (USC), which has many if not all of the attributes of a conventional UPC, as well as others pertaining to services. While not necessary, a single digit may be optionally added to the USC in order to demark that services rather than products, are being identified. An example of such USC labeling would be printing an assigned UPC label (number) on: admission tickets to a theatrical, dramatic or musical performance and/or its playbill; admission tickets to a movie; admission tickets to a concert and/or its concert program; admission tickets to a sporting event and/or its sports program; admission tickets to an art, science or history museum; admission tickets to the zoo or botanical gardens; and the like. The UPC label would be encoded to identify a particular event at which an entertainment, educational or professional service is provided. The UPC label printed on the tangible medium associated with the promotion of or access to the particular service would then be registered with the system hereof, along with the name of the provider of service and a list of URLs that identify the Web locations at which particular kinds of information related to the particular service can be found. (See column 126 paragraph 1271-1272 and claim 1).

Therefore it would have obvious to one of ordinary skill in the art at the time the invention was made that the teachings of McMullin to include designating a theme comprising a plurality of items offered by a plurality of providers wherein each item comprises at least one of a good and service and each provider comprises one of a merchant and service provider taught by Perkowski in order to bill a user for transactions for services and or goods provided and or ordered over the internet.

As per claim 87, McMullin discloses a method of operating a debit card reward program by a financial institution for a user in conjunction with a retailer, the method comprising:

providing a debit card to the user, wherein the debit card ("i.e. credit card see column 2 lines 35-40) is associated with a financial account such that the user may use the debit card to make purchases at a point of sale to purchase goods, and an amount corresponding, at least in part to the cost of the purchase made using the debit card is debited to the financial account (see column 2 lines 35-55) defining a reward-generating

activity in terms of selected characteristics of each purchase made by the user from the retailer using the debit card (see column 2 lines 35-55) capturing transaction data regarding each purchase made by the user using the debit card including, at least in part, information concerning the selected characteristics, wherein the transaction data includes transaction financial information and transaction purchase information. (see column 2 lines 35-55) wherein the transaction financial information relates, at least in part, to financial characteristics of each purchase made by the user from the retailer using the debit card (see column 2 lines 35-55) wherein the transaction purchase information relates, at least in part, to particular goods sold at each purchase made by the user from the retailer using the debit card. (see column 2 lines 35-55) storing by the financial institution of transaction financial information related to each purchase made by the user from the retailer using the debit card. (see column 2 lines 45-55) storing by the retailer of transaction purchase information related to purchase made by the user from the retailer using the debit card;  
comparing the transaction financial information and the transaction purchase information to the selected characteristics;  
calculating a reward using a data processor based, at least in part, on the comparison and delivering the reward. (see column 2 lines 35-55 and column 3 lines 55-65 and column 4 lines 5-45).

McMullin fail to explicitly teach wherein the act of a reward generating activity comprises designating a theme comprising a plurality of items offered by a plurality of providers wherein each item comprises at least one of a good and service and each provider comprises one of a merchant and service provider.

However Perkowski discloses in a particular, service-related information could be easily found (i.e. located and accessed) on Web sites using the system and method of the present invention, and thereafter the service easily procured through an electronic data transaction. In accordance with the present invention, this can be achieved by uniquely identifying and assigning particular services by a Universal Service Code (USC), which has many if not all of the attributes of a conventional UPC, as well as others pertaining to services. While not necessary, a single digit may be optionally

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added to the USC in order to demark that services rather than products, are being identified. An example of such USC labeling would be printing an assigned UPC label (number) on: admission tickets to a theatrical, dramatic or musical performance and/or its playbill; admission tickets to a movie; admission tickets to a concert and/or its concert program; admission tickets to a sporting event and/or its sports program; admission tickets to an art, science or history museum; admission tickets to the zoo or botanical gardens; and the like. The UPC label would be encoded to identify a particular event at which an entertainment, educational or professional service is provided. The UPC label printed on the tangible medium associated with the promotion of or access to the particular service would then be registered with the system hereof, along with the name of the provider of service and a list of URLs that identify the Web locations at which particular kinds of information related to the particular service can be found. (See column 126 paragraph 1271-1272 and claim 1).

Therefore it would have obvious to one of ordinary skill in the art at the time the invention was made that the teachings of McMullin to include designating a theme comprising a plurality of items offered by a plurality of providers wherein each item comprises at least one of a good and service and each provider comprises one of a merchant and service provider taught by Perkowski in order to bill a user for transactions for services and or goods provided and or ordered over the internet.

As per claims 88-108, McMullin discloses a method of operating a financial service by a financial institution for a user comprising; providing a debit card ("i.e. debit card see column 2 line 15-40") to the user, wherein the debit card is associated with a financial account ("i. e, card holder account" see column 1 lines 16-38) such that the user may use the debit card to make purchases (See column 2 lines 15-40), and an amount corresponding, at least in part, to the cost of the purchase made using the debit card is debited to the financial account defining periods of time ("i. e, billing cycle") (See column 3 lines 55-65 and column 4 lines 1-5 and line 25-30) designating a retailer as a preferred retailer. ("i. e, "sponsor" see column 2 lines 35-40") calculating a reward data processor amount for the user based at least in part, on purchases made using the debit card during a current period (See column 7 lines line 35 and column 4 lines 25-30



and column 2 lines 45-59) and crediting the reward amount generated during the current period to a user account. (See column 4 lines 25-30) and activating ("i. e, end of delay period") the user reward amount at the end of the current period. (See column 4 line 32-45) and debiting the amount of the cost of a purchase in a subsequent period from the financial account. (see column 3 line 65) and crediting ("i. e, payment") the financial account an amount up to the amount of the purchase("i. e, charge amounts") in the subsequent period from the activated user reward account for purchases made at the preferred retailer.(see column 1 lines 30-38 and column 2 lines 14-60) providing a report ("i.e. bill" see column 3 lines 55-65) to the user (see column 3 lines 55-65) at the end of each defined period identifying. ("i. e, monthly") at least in part, the reward amount. (see column 1 lines 30-35 and column 3 lines 55-65 and column 4 lines 5-30).

McMullin fail to explicitly teach designating a theme comprising a plurality of items offered by a plurality of providers wherein each item comprises at least one of a good and and service and each provider comprises one of a merchant and service provider. However Perkowski discloses in a particular, service-related information could be easily found (i.e. located and accessed) on Web sites using the system and method of the present invention, and thereafter the service easily procured through an electronic data transaction. In accordance with the present invention, this can be achieved by uniquely identifying and assigning particular services by a Universal Service Code (USC), which has many if not all of the attributes of a conventional UPC, as well as others pertaining to services. While not necessary, a single digit may be optionally added to the USC in order to demark that services rather than products, are being identified. An example of such USC labeling would be printing an assigned UPC label (number) on: admission tickets to a theatrical, dramatic or musical performance and/or its playbill; admission tickets to a movie; admission tickets to a concert and/or its concert program; admission tickets to a sporting event and/or its sports program; admission tickets to an art, science or history museum; admission tickets to the zoo or botanical gardens; and the like. The UPC label would be encoded to identify a particular event at which an entertainment, educational or professional service is provided. The UPC label printed on the tangible medium associated with the promotion of or access to the particular service would then

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be registered with the system hereof, along with the name of the provider of service and a list of URLs that identify the Web locations at which particular kinds of information related to the particular service can be found. (See column 126 paragraph 1271-1272 and claim 1).

Therefore it would have obvious to one of ordinary skill in the art at the time the invention was made that the teachings of McMullin to include designating a theme comprising a plurality of items offered by a plurality of providers wherein each item comprises at least one of a good and service and each provider comprises one of a merchant and service provider taught by Perkowski in order to bill a user for transactions for services and or goods provided and or ordered over the internet.

### **Conclusion**

#### **Response to arguments**

5. Applicant's arguments files on 10/6/2006 have been fully considered but they are moot in view of new grounds of rejections.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-305-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG,

June 15, 2007

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
Au 3692